

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

ERIC SMITH,

Plaintiff,

v.

Civ. No. 16-526 GJF/SCY

CORPORAL BENJAMIN IRVING, et al.,

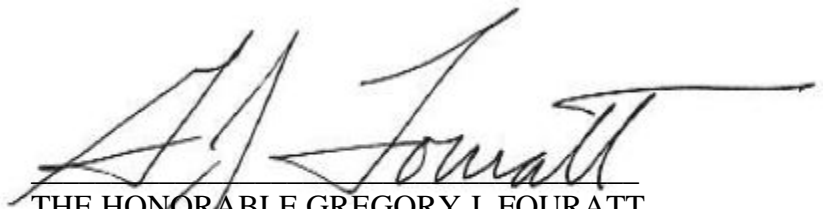
Defendants.

**ORDER GRANTING STIPULATION  
TO DISMISS DEFENDANT CORPORAL BENJAMIN IRVING**

THIS MATTER comes before the Court upon the parties' "Stipulation to Dismiss Defendant Corporal Benjamin Irving" ("Stipulation"). ECF No. 33. The Court, having reviewed the stipulation and noting the concurrence of the parties, finds the Stipulation to be well-taken.

**IT IS THEREFORE ORDERED**, pursuant to Federal Rule of Civil Procedure 41(a)(2), that the above-captioned cause against Defendant Corporal Benjamin Irvin is **DISMISSED WITH PREJUDICE**. The parties shall bear their own court costs and attorneys' fees.

**IT IS SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE  
*Presiding by Consent*